



Seattle Laws Regarding Building Maintenance and Repair

July 2001

The Department of Design, Construction and Land Use (DCLU) administers and enforces Seattle's Housing and Building Maintenance Code (SMC 22.200 - 22.208) and several other city laws affecting landlords and tenants. Staff in DCLU's Compliance Service Center assist tenants and owners in understanding City code requirements.

This Client Assistance Memo is a general guide to Seattle's laws regarding building maintenance and repair. For specific information on Housing Code requirements, consult the Housing and Building Maintenance Code or contact:

**Department of Design,
Construction and Land Use (DCLU)**
Compliance Service Center
700 Fifth Avenue, Suite 2000
Seattle, WA 98104-5070
Telephone: (206) 684-7899

The Washington State Residential Landlord/Tenant Act (RCW 59.18) also establishes rights and responsibilities for tenants and landlords. For further information about state law, contact one of the organizations listed at the end of this publication.

What the City requires of rental property owners

Under the Housing and Building Maintenance Code, building owners in Seattle have an obligation to provide safe, clean, secure living conditions. Generally, owners have the responsibility to:

- Keep the premises fit for human habitation and keep any common areas reasonably clean and safe;
- Provide for control of insects, rodents and other pests;
- Maintain all structural components (roof, walls and foundation) and keep the unit weathertight;
- Maintain all electrical, plumbing, heating and other equipment and appliances supplied by the owner;
- Provide adequate containers for garbage and arrange for garbage pickup;
- When responsible for heating rental units, maintain daytime (7:00 am to 10:30 pm) temperatures at no less than 65 degrees Fahrenheit and nighttime temperatures at no less than 58 degrees Fahrenheit from September through June;
- Change lock mechanism and keys in non-transient accommodations upon change of tenancies, and provide unit and building entrance door keys to tenants;
- Install smoke detectors.

Owners are not responsible for cosmetic repairs such as new carpeting and a fresh coat of paint after each tenancy. DCLU's Compliance Service Center staff can answer questions about whether an apartment owner is responsible for a particular repair. Call (206) 684-7899 for information.

Obligations of tenants

Tenants must meet an owner's reasonable expectations to maintain rental housing in a safe, clean manner, normal wear and tear excepted. Tenant responsibilities include:

- Proper disposal of garbage;
- Care in use of electrical and plumbing fixtures;
- Prompt repair of any damages caused by tenants or their guests;
- The granting of reasonable access to the owner for maintenance, repair and pest control;
- Maintaining smoke detectors in good working order, and
- Refraining from storing hazardous materials on the premises.

Available remedies if repairs are needed

Tenants may take the following action if repairs are needed:

1. **Contact the owner.** A phone call or letter to the owner is usually the way most tenants and owners resolve any problems. In most cases this will resolve the problem, but a written request for repairs is often required by law before tenants can exercise any other remedy. Remember to keep copies of all correspondence.
2. **Report the problem to DCLU.** If the owner or manager does not make the repair in a reasonable time, you may schedule an inspection by DCLU. If the repair is a violation of the Housing Code, the inspector will require the owner to take corrective action. See the next section for more details.
3. **Use other remedies available including self-help repair, mediation, placing rent in escrow, and finally, moving out.** The Washington State Residential Landlord/Tenant Act (RCW 59.18) has limited remedies for tenants in situations where building owners fail to make code-required repairs within a reasonable time of being notified of the need. You must be current in your rent and utilities to exercise these options. These remedies *may* involve some form of rent withholding or reduction. As a general rule, however, simply withholding rent is not a suitable remedy; in fact, a tenant may be evicted for failure to pay rent. State law has specific rules about making deductions from rent or paying rent into an escrow account. For information on this subject, contact one of the tenants' assistance groups listed at the end of this publication.

Reporting a problem to DCLU

Tenants may report the problem to DCLU if the owner or manager does not make a repair in a reasonable time. Write, call, or go in person to DCLU's Compliance Service Center, located on the 19th floor of Key Tower at 700 Fifth Avenue, Seattle, WA, 98104-5070, (206)684-7899.

- Call DCLU to report the problem if a property owner or manager does not respond to repair requests and a complaint seems to be the only alternative remaining. Your name will be kept confidential if you so request.
- Specify everything needing inspection and give the address of the building including the unit number.

- Include a phone number when asking DCLU for assistance so the Department can call to arrange a time for an inspection. The person requesting assistance should be present during the inspection.
- If the inspector finds violations, the inspector will prepare a notice showing when the repairs must be made, notify the responsible party of the violation, and post the notice on the premises.
- The time for compliance is generally 30-60 days, depending upon the nature of the violations and any extensions the owner may receive. Forty-five days is the average time for compliance.
- If the owner does not make the required repairs, DCLU will follow up through court action to attempt to attain compliance.

Actions that are considered to be harassment or retaliation

The Housing and Building Maintenance Code prohibits certain actions taken against either a tenant or an owner. This section of the Housing and Building Maintenance Code is enforced by the Seattle Police Department.

The following actions constitute harassment or retaliation against the **tenant**:

1. Changing locks on unit doors;
2. Removing doors, windows, fuse box, or other fixtures;
3. Discontinuing gas, electricity, water, or other utilities supplied by owner;
4. Removing a tenant from the premises except through the legal eviction process;
5. Evicting, increasing rent or threatening a tenant because that tenant has reported violations of the Housing and Building Maintenance Code to DCLU or to the Police Department, or has exercised any legal rights arising out of the tenant's occupancy of the building;
6. Entering a tenant's unit, except in an emergency or with the tenant's consent after a two day notice of intent to enter, or a 1-day notice when showing units to prospective purchasers or tenants; or
7. Prohibiting a tenant, or a tenant's authorized agent who is accompanied by that tenant, from distributing information in the building, posting information on bulletin boards in accordance with building rules, contacting other tenants, assisting tenants to organize and holding meetings in community rooms or common areas.

The following actions constitute harassment or retaliation against the **owner**:

1. Changing locks on unit doors.
2. Removing owner-supplied fixtures, furniture, or services.
3. Willfully damaging the building.

Instances of harassment or retaliation against an owner or a tenant should be reported to the Seattle Police at 911 or the Community Service Officer Section of the Seattle Police Department at (206) 684-4790.

What sources can provide more information?

Other groups that can provide information to tenants and rental property owners include:

**1. DCLU Compliance Service Center
(206) 684-7899**

Takes complaints concerning potential violations of the Housing and Building Maintenance Code.

**2. Apartment Association of Seattle/King County
(206) 283-0816**

Provides information on legal rights and responsibilities under the State Residential Landlord/Tenant Act and other codes. AASKC is the professional organization of Seattle rental property owners.

**3. Fremont Public Association
(206) 634-2222**

Provides information and counseling on legal rights and responsibilities under the State Residential Landlord/Tenant Act and other codes.

**4. Seattle Police Department
Community Service Officer Section
(206) 684-4790**

Provides mediation services to landlords and tenants. Community Service Officers attempt to resolve conflicts before they reach court.

**5. Tenants Union
(206) 723-0500**

Provides information and counseling on landlord/tenant problems. The Tenants Union also provides workshops, training and technical assistance for advocates and tenants groups on dealing effectively with landlords.

Access to Information

Links to electronic versions of Seattle codes and DCLU publications are available on the "Publications" and "Codes" pages of our website at www.cityofseattle.net/dclu. Paper copies of these documents are available from our Public Resource Center, located on the 20th floor of Key Tower at 700 Fifth Avenue in downtown Seattle, (206) 684-8467.